

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

September 17, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Morrison, Associate Justice; Kolkey, Associate Justice; and Castillo, Bailiff. Calendar Called.

C033076 INTEL CORPORATION v. HAMIDI

Cause called. Ann Brick argued for appellant. Philip H. Weber appeared only. Michael A. Jacobs argued for respondent. Paul A. Friedman appeared only. Cause submitted.

At 10:11 a.m., the court recessed. At 10:15 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Morrison.

C034270 THE PEOPLE v. TORRES

Cause called. Peter Kmeto argued for appellant. J. Robert Jibson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 10:30 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Sims and Associate Justice Morrison.

C027858 RUEMMLER v. COMMERCE SECURITIY BANK

Cause called. Joe Genshlea argued for appellant. Charles L. Post appeared only. Thadd A. Blizzard appeared only. Jay-Allen Eisen argued for respondent. Richard L. Katz appeared only. Cause submitted.

At 11:07 a.m., the court recessed. At 11:10 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Sims and Associate Justice Davis.

C033026 LEVY v. DEPARTMENT OF PERSONNEL ADMINISTRATION and BOARD OF EQUALIZATION

Cause called. Richard J. Cohen argued for appellant. Joan Branin, Department of Personnel Administration, argued for respondent/real party in interest. Cause submitted.

At 11:31 a.m., the court recessed. At 11:36 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Nicholson.

C032931 MCGOWAN et al. v. LEO S. JONES OIL COMPANY, INC.

Cause called. Michael J. Trezza argued for appellants. Rusty Rinehart argued for respondent. Cause submitted.

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At 11:58 a.m., the court recessed. At 2:01 p.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Davis and Associate Justice Morrison.

C035107 THE PEOPLE v. HOLCOMB

Cause called. Janet J. Gray, court appointed counsel, argued for appellant. Charles A. French, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:34 p.m., the court recessed. At 2:36 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Morrison.

C035104 THE PEOPLE v. MESSER

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. Clayton S. Tanaka, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:57 p.m., the court recessed. At 2:58 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Sims and Associate Justice Morrison.

C035422 THE PEOPLE v. STILWELL

Cause called. Roberta Simon, court appointed counsel, argued for appellant. Alan Ashby, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:01 p.m., the court recessed. At 3:07 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Morrison.

C034739 THE PEOPLE v. RAVIART

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause deferred.

At 3:31 p.m., the court recessed until 9:30 a.m., Tuesday, September 18, 2001.

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- C036331 THE PEOPLE v. FORD (Not for Publication)**
The findings and sentences on the enhancements under section 667, subdivisions (b) through (i), section 1170.12, and section 667.5, subdivision (b), are reversed and the matter is remanded for further proceedings and findings by the trial court on those allegations. In all other respects, the judgment is affirmed.
BLEASE, Acting P.J.
We concur: Nicholson, J.
 Raye, J.
- C036802 FRANDSEN et al. v. MERCURY CASUALTY COMPANY (Not for Publication)**
The judgment is affirmed. Defendant shall receive their costs on appeal.
SIMS, Acting P.J.
We concur: Morrison, J.
 Kolkey, J.

September 18, 2001

At 9:27 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Blease, Associate Justice; Morrison, Associate Justice; and Rios, Bailiff. Calendar Called.

- C033874 MELGARD v. DEPARTMENT OF TRANSPORTATION**
Cause called. John B. Hallbauer argued for appellant. Richard J. Mitchell, Department of Transportation, argued for respondent. Cause submitted.
- At 10:00 a.m., the court recessed. At 10:05 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Blease and Associate Justice Callahan.
- C032701 SHINGLE SPRINGS BAND OF MIWOK INDIANS etc. v. WORKERS' COMPENSATION APPEALS BOARD et al.**
Cause called. Anthony Cohen argued for petitioner. Melissa C. Brown argued for respondent Ivester. Neil P. Sullivan, Workers' Compensation Appeals Board, argued for respondent Workers' Compensation Appeals Board. Cause submitted.
- At 10:28 a.m., the court recessed. At 10:30 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison and Associate Justice Callahan.

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C036470 BASILIO V. CAMRAY DEVELOPMENT AND CONSTRUCTION CO., Inc. et al.
Cause called. Virgilia Basilio, appellant, argued in pro per and submitted additional citations. Camray Development and Construction Co., Inc. et al. waived argument. Cause submitted.

At 10:48 a.m., the court recessed. At 10:50 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Nicholson and Associate Justice Morrison.

C035900 THE PEOPLE v. MARLEN
Cause called. Hilda Scheib, court appointed counsel, argued for appellant. Brian G. Smiley, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:30 a.m., the court recessed. At 2:00 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Davis and Associate Justice Callahan.

C036338 THE PEOPLE v. SCHNEPP
Cause called. Charles Schnepf, appellant, argued in pro per. Lawrence Allen argued for respondent. Cause submitted.

At 2:13 p.m., the court recessed. At 2:15 p.m., the court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Davis.

**C036288 In re LISAAN S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
C036677 HUMAN SERVICES v. WILLIAM S.**
Cause called. Sheri M. Cohen, court appointed counsel, argued for appellant. Joanne East, Deputy County Counsel, argued for respondent. Cause submitted.

At 2:50 p.m., the court recessed until 9:30 a.m., Wednesday, September 19, 2001.

C037049 THE PEOPLE v. WONDRA (Not for Publication)
The order granting probation is affirmed.
BLEASE, Acting P.J.
We concur: Sims, J.
 Raye, J.

C037780 THE PEOPLE v. LOWE (Not for Publication)
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
 Davis, J.

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**C034356 ANDRE, As Trustee of the Josephine De Andra Trust v. CITY OF WEST
SACRAMENTO**

Cause called. Robert J. Williams argued for appellant. Stephen F. Boutin argued for respondent. Michael E. Chase appeared only. Cause submitted.

At 10:27 a.m., the court recessed until 9:30 a.m., Thursday, September 20, 2001.

C032774 THE PEOPLE v. OTTEN (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Blease, Acting P.J.
 Morrison, J.

C034846 THE PEOPLE v. HARRISON (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Blease, Acting P.J.
 Raye, J.

C035783 THE PEOPLE v. NELSON (Not for Publication)

The judgment (order) is affirmed.

HULL, J.

We concur: Callahan, J.
 Kolkey, J.

C037993 THE PEOPLE v. SHORT (Not for Publication)

The abstract of judgment shall be corrected to reflect the oral pronouncement of judgment by the trial court, including imposition of a \$460 fine pursuant to section 1203.1, the omission of any DNA testing requirement and the imposition of penalty assessments. The abstract shall be corrected to reflect state and county penalty assessments (Pen. Code, § 1464; Gov. Code, § 76000) of \$100 and \$70, respectively, on the criminal laboratory analysis fee of \$100 (Health & Saf. Code, § 11372.5) and state and county penalty assessments of \$300 and \$210, respectively, on the drug program fee of \$300 (Health & Saf. Code, § 11372.7). The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections. The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Nicholson, J.
 Raye, J.

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C036749 McKAY v. ZANZE (Not for Publication)
The judgment is affirmed. Respondent shall recover costs on appeal.
 HULL, J.
We concur: Sims, Acting P.J.
 Callahan, J.

C034307 In re JARVIS W.; THE PEOPLE v. JARVIS. W. (Not for Publication)
The order of the juvenile court is affirmed.
 NICHOLSON, Acting P.J.
I concur: Kolkey, J.
In concur in the result:
 Morrison, J.

September 20, 2001

At 9:27 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Rios, Bailiff. Calendar Called.

C036678 KIRBY v. CLOUGH et al.
Cause called. Freda D. Pechner argued for appellant. Roger R. Billings argued for respondent Blackman. William Clough, respondent, in pro per, did not request argument. Cause submitted. .

At 10:00 a.m., the court recessed until 9:30 a.m., Monday, September 24, 2001.

C032862 ACREE et al. v. GENERALMOTORS ACCEPTANCE CORPORATION
C034059 (Certified for Publication)
The judgment, the orders denying GMAC's posttrial motions to vacate the judgment and for judgment notwithstanding the verdict, and the order for attorney fees and costs are affirmed. **(CERTIFIED FOR PUBLICATION.)**
 DAVIS, J.
We concur: Blease, Acting P.J.
 Hull, J.

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C030492 THE PEOPLE v. COOK et al. (Certified for Partial Publication)
THE COURT:
The opinion of this court filed August 22, 2001, in the above entitled case is modified as follows:...As modified, the petitions for rehearing by the respondent People and the defendants are denied. There is no change in the judgment.
Blease, Acting P.J.
Raye, J.
Hull, J.

September 21, 2001

C031624 THE PEOPLE v. TROWBRIDGE (Not for Publication)
The judgment is affirmed.
NICHOLSON, J.
I concur: Raye, J.
I concur in the judgment and the opinion except as to part III of the Discussion, as to which I concur in the result.
Blease, Acting P.J.